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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,488	12/12/2002	Bunichiroh Fujii	020392	4896

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EXAMINER

DALENCOURT, YVES

ART UNIT PAPER NUMBER

2157

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/088,488

Applicant(s)

FUJII ET AL.

Examiner

Yves Dalencourt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This office action is responsive to communication filed on 12/12/2002.

#### ***Specification***

1. The abstract of the disclosure is objected to because of the two paragraphs. It has to be in a single paragraph.
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Correction is required. See MPEP § 608.01(b).

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Regarding claim 6, the phrase "such as", "or the like" (lines 4 and 5) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

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5. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Regarding claim 6, the limitation of "when a cursor is put on the display of the function, the display is changed to a display in a mode which is different depending upon whether or not a particular contents file is down loaded " is confusing. It is not clear to how exactly such limitation is taken place.
7. In view of such, the claim has not been further treated on the merits because it is unclear whether the limitations following the phrase "such as", "or the like "are part of the claimed invention and are also confusing.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1 – 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Howard et al (US 2002/0069365; hereinafter Howard).

Regarding claim 1, Howard teaches a contents file play back permission method of permitting a contents file, which has been down loaded from a server to a terminal computer connected to the server through a communication network, to be played back by the play back software installed on the terminal computer (fig. 3; abstract; paragraph [0014]; Howard discloses installing add-in security module to the client terminal), characterized in that both the play back software and the contents file can incorporate client IDs (paragraphs [0061], [0075], and [0079]; Howard discloses that a unique identifier called the ULE key is created when the limited-use browser or add-in security module is installed on the client); the play back software is set such that it permits the play back of the contents file only when the client ID thereof agrees with the client ID incorporated in the contents file (paragraphs [0039] and [0042]); when profile data is transmitted from the terminal computer to the server at the time the play back software is set up, the server transmits a client ID inherent to each play back software to the terminal computer through the communication network so that the client ID is incorporated in the play back software (paragraphs [0040], [0054], and [0064]; and, thereafter, when the terminal computer accesses the server, down loads the contents file and stores it therein, the server incorporates the client ID of the destination, to which the contents file is down loaded, in the contents file (paragraphs [0043] and [0074]).

Regarding claim 2, Howard teaches a contents file play back permission method according to claim 1, characterized in that when the terminal computer accesses the server to down load the contents file, the server acquires the client ID incorporated in

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play back software of the terminal computer having accessed the server (paragraph [0043]).

Regarding claim 3, Howard teaches a contents file play back permission method according to claim 1 or 2, characterized in that both the play back software and the contents file can incorporate user IDs, in addition to the client IDs, and the play back software is set such that it permits the play back of the contents file only when the client ID and user ID thereof agree with the client ID and user ID incorporated in the contents file, respectively (paragraphs [0039] and [0042]).

Regarding claim 4, Howard teaches a recording medium that has recorded play back software installed on a terminal computer connected to a server through a communication network and which plays back a contents file down loaded from the server (fig. 3; abstract; paragraph [0014]; Howard discloses installing add-in security module to the client terminal), characterized in that the play back software incorporates a client ID previously transmitted from the server therein (paragraphs [0061], [0075], and [0079]; Howard discloses that a unique identifier called the ULE key is created when the limited-use browser or add-in security module is installed on the client); when the contents file is down loaded, the play back software incorporates the client ID in the contents file before the contents file is played back (paragraphs [0040], [0054], [0064], and [0071]); and when the play back software plays back the contents file, it compares the client ID incorporated therein with the client ID incorporated in the contents file and plays back the contents file only when, both the client IDs agree with each other (paragraphs [0039] and [0042]).

Regarding claim 5, Howard teaches a recording medium that has recorded play back software for playing back a contents file according to claim 4, characterized in that both the play back software and the contents file can incorporate user IDs, in addition to the client IDs, and the play back software permits the play back of the contents file only when the client ID and the user ID thereof agree with the client ID and the user ID incorporated in the contents file, respectively (paragraphs [0039] and [0042]).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
11. O'Brien et al (US Patent Number 6,658,571) discloses a security framework for dynamically wrapping software applications executing in computing system.

### **Contact Information**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6: 00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yves Dalencourt



March 14, 2006